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Attorneys for Defendant  
CONAGRA FOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LEVI JONES, CHRISTINE STURGES, and  
EDD OZARD, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

CONAGRA FOODS, INC.,

Defendant.

Case No. 12-cv-1633-CRB

**STIPULATION AND [PROPOSED]  
ORDER SETTING NEW HEARING  
DATE FOR MOTION TO DISMISS,  
PRELIMINARY INJUNCTION  
MOTION, AND CASE  
MANAGEMENT CONFERENCE;  
MODIFYING BRIEFING SCHEDULE  
FOR PRELIMINARY INJUNCTION  
MOTION**

The Hon. Charles R. Breyer

1 Plaintiffs and Defendant ConAgra Foods, Inc. (“Defendant” or “ConAgra”), by and  
 2 through their respective counsel of record, enter into the following stipulation, based upon the  
 3 recitals below:

4 WHEREAS Plaintiff Jones filed a Complaint on April 2, 2012, which was served on  
 5 ConAgra on April 6, 2012;

6 WHEREAS, Plaintiff Jones and two additional named plaintiffs (Christine Sturges and Ed  
 7 Ozard) filed an Amended Class Action and Representative Action Complaint for Damages,  
 8 Equitable and Injunctive Relief (“Amended Complaint”) on July 2, 2012;

9 WHEREAS, in accordance with a schedule set by stipulation and Court order, ConAgra  
 10 filed a Motion to Dismiss the Amended Complaint on August 17, 2012;

11 WHEREAS, pursuant to stipulation, on July 9, 2012, the Court approved a briefing  
 12 schedule in connection with the Motion to Dismiss and rescheduled the initial Case Management  
 13 Conference to coincide with the date for the anticipated Motion to Dismiss hearing date of  
 14 October 26, 2012;

15 WHEREAS, Plaintiffs filed a Motion for Preliminary Injunction on August 18, 2012, with  
 16 a scheduled hearing date of October 26, 2012, coinciding with the scheduled hearing on  
 17 ConAgra’s Motion to Dismiss and the initial Case Management Conference;

18 WHEREAS, in order to permit themselves additional time to brief the issues raised by  
 19 Plaintiffs’ Motion for Preliminary Injunction and to provide the Court with additional time to  
 20 consider the parties’ briefing after submission, and in part to accommodate counsel’s vacation  
 21 schedules, the parties have agreed, subject to Court approval, to a November 9, 2012 hearing date  
 22 for Defendant’s Motion to Dismiss and for Plaintiffs’ Motion for Preliminary Injunction, and to a  
 23 briefing schedule for the Preliminary Injunction Motion, as set forth below;

- 24 1. The hearing on Defendant’s Motion to Dismiss and Plaintiffs’ Motion for Preliminary  
 25 Injunction and the initial case management conference shall be on November 9, 2012  
 26 at 10 AM.
- 27 2. Defendant shall file its opposition papers in response to Plaintiffs’ Motion for  
 28 Preliminary Injunction no later than September 28, 2012; and

1 3. Plaintiffs shall file any Reply papers in support of its Motion for Preliminary  
2 Injunction no later than October 19, 2012.

3 **IT IS SO STIPULATED.**  
4  
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6  
7 Dated: August 23, 2012

HOGAN LOVELLS US LLP

8 By: /s/ Robert B. Hawk  
9 Robert B. Hawk  
10 Attorneys for Defendant  
CONAGRA FOODS, INC.

11 Dated: August 23, 2012

PRATT & ASSOCIATES

12 By: /s/ Ben F. Pierce Gore  
13 Ben F. Pierce Gore  
14 Attorneys for Plaintiff  
LEVI JONES  
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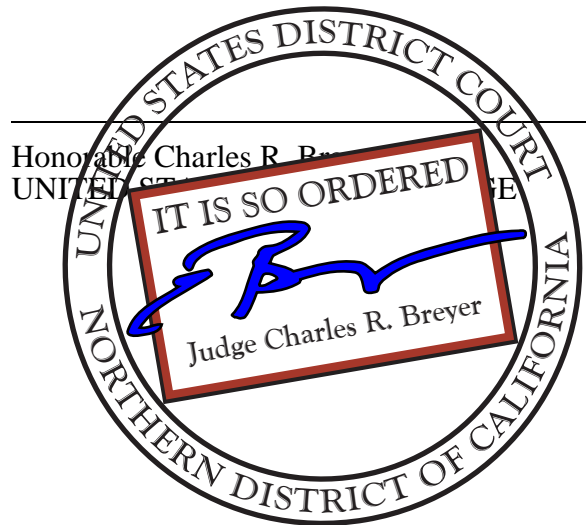
**ORDER**

PURSUANT TO STIPULATION, and good cause appearing, the Court orders as follows:

1. The hearing on Defendant's Motion to Dismiss and on Plaintiffs' Motion for Preliminary Injunction and the initial case management conference shall be on November 9, 2012 at 10 AM.
2. Defendant shall file its opposition papers in response to Plaintiffs' Motion for Preliminary Injunction no later than September 28, 2012.
3. Plaintiffs shall file any Reply papers in support of its Motion for Preliminary Injunction no later than October 19, 2012.

IT IS SO ORDERED.

Dated: August 28 , 2012



I, Robert B. Hawk, attest that Ben F. Pierce Gore has read and approved the Stipulation And [Proposed] Order Modifying Briefing Schedule and consents to its filing in this action.